

## THE STATE OF NEW HAMPSHIRE

### SUPREME COURT

**In Case No. 2006-0267, State of New Hampshire v. Harold McAllister, the court on January 23, 2007, issued the following order:**

The State appeals an order of the district court dismissing a complaint filed against the defendant, Harold McAllister. The complaint alleged that McAllister violated RSA 318:42 in that he was not a licensed pharmacist and knowingly and illegally possessed a prescription drug that was not dispensed to him pursuant to a lawful prescription. The trial court dismissed the complaint after finding that “the complaint fails to allege an act prohibited by the statute.” We reverse and remand.

In matters of statutory interpretation, we are the final arbiter of the legislature’s intent as expressed in the words of the statute considered as a whole. In the Matter of Ramadan & Ramadan, 153 N.H. 226, 230 (2006). When examining the language of a statute, we ascribe the plain and ordinary meanings to the words used, *id.*; see RSA 21:2 (2000), and look elsewhere only when the plain statutory language permits more than one reasonable interpretation. State v. Telles, 139 N.H. 344, 346 (1995).

RSA 318:42 (2005) provides in relevant part that it is “unlawful for any person who is not a licensed pharmacist in a pharmacy registered in accordance with the provisions of this chapter to manufacture, compound, dispense, sell, offer for sale or have in possession any prescription drug as defined in RSA 318:1, XVII.” Therefore, the dismissed complaint clearly alleged an act prohibited by statute. Given the broad language used in both the introductory language of the statute and its first exemption, we disagree with the defendant’s contention that RSA chapter 318 is applicable only to pharmacists and others in health fields. See Winnacunnet Coop. Sch. Dist. v. Town of Seabrook, 148 N.H. 519, 525-26 (2002) (when construing a statute, we give effect to all words in a statute and presume that the legislature did not enact superfluous or redundant words). We note that when the legislature wished to provide an exemption for a limited class of people within RSA Chapter 318, it did so. See, e.g., RSA 318:42, II, II-a.

Because the parties’ briefs do not contain fully developed argument addressing any constitutional issues raised by the statute, we decline to address

them at this time. See State v. Blackmer, 149 N.H. 47, 49 (2003) (appellate review confined to those issues that have been fully briefed).

Reversed and remanded.

DUGGAN, GALWAY and HICKS, JJ., concurred.

**Eileen Fox,  
Clerk**